

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2263

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2263, entitled "A Bill for an Act Relating to the University of Hawaii."

This bill amends sections 89C-4 and 304A-105, Hawaii Revised Statutes, to provide that proposed compensation or changes in compensation for executive or managerial positions excluded from chapter 89C, Hawaii Revised Statutes, in the University of Hawaii system shall be disclosed in open meetings for purposes of public comment, to provide all documents regarding expenditures and changes to expenditures made by the Board of Regents shall be disclosed in open meetings, and to provide that all expenditure requests, proposals, and any other budgetary documents used by the Board of Regents at an open meeting shall be made available to the public at least six calendar days before the meeting.

This bill is objectionable for three reasons. First, disclosure would hinder the University's ability to negotiate terms, including salaries, of employment contracts favorable to the University and taxpayers. Allowing proposed compensation to be publicly disclosed, before a contract is negotiated or executed, could damage the University's bargaining stance. This frustrates a legitimate government purpose for which existing law provides protections.

Second, under the public records law, the Uniform Information Practices Act (Modified), chapter 92F, Hawaii

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Revised Statutes, the University of Hawaii is required to disclose the actual salaries of exempt employees. Disclosure of proposed salaries of executive or managerial employees of the University of Hawaii is not of sufficient public interest to warrant the invasion of privacy of these public servants. Because this bill would single out a certain class of employees, removing their privacy protections, this bill also raises equal protection issues in the treatment of State personnel.

Third, transparency is already provided. The Sunshine Law, part I of chapter 92, Hawaii Revised Statutes, currently gives the public the opportunity to testify on matters listed on a Board's agenda. While the exact salary the Board of Regents proposes to pay a specific employee is not included on the agenda, the Board is already required by the Sunshine Law to provide sufficient information to inform the public that it is considering a compensation matter for a prospective or current employee. Salary ranges are publicly disclosed and give the public an opportunity to know the parameters of the proposed personnel action.

Finally, this bill oversteps the protection provided in Article X of the State Constitution which grants to the Board of Regents exclusive jurisdiction over the internal organization and management of the University.

For the foregoing reasons, I am returning Senate Bill No. 2263 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written over the printed name.

LINDA LINGLE  
Governor of Hawaii